



U.S. Citizenship
and Immigration
Services

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FILE:

Office: KANSAS CITY, MO

Date: OCT 07 2004

IN RE:

Obligor:
Bonded Alien:

IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mani Johnson

for Robert P. Wiemann, Director
Administrative Appeals Office

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DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Kansas City, Missouri, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on April 24, 2003, the obligor posted a \$2,500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated April 23, 2003, was issued granting the alien voluntary departure in lieu of removal on or before August 23, 2003. On September 23, 2003, the field office director concluded the bond had been breached.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be canceled, the alien must provide proof of departure to the field office director.

On appeal, the obligor asserts that the bonded alien departed the United States to Nigeria on August 22, 2003. The obligor provides a copy of the alien's passport, which contains a Nigerian entry stamp of August 22, 2003, and a photocopied Form G-146 dated October 16, 2003, from the United States Consulate in Lagos, Nigeria. A representative of the United States Consulate General in Lagos, Nigeria has verified the authenticity of the Form G-146.

Based on the documentation from the United States Consulate General in Lagos, Nigeria establishing that the bonded alien timely departed the United States, the field office director's decision to breach the bond will be withdrawn, and the bond will be cancelled.

ORDER: The appeal is sustained. The bond is cancelled.